

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

**LISA MURPHY
ADC #760343**

PLAINTIFF

v.

Case No. 3:19-cv-00381-LPR

**STINET, Lieutenant, McPherson Unit; and
M. JOHNSON, Sergeant, McPherson Unit**

DEFENDANTS

ORDER

Lisa Murphy, a prisoner in the McPherson Unit of the Arkansas Department of Correction, has filed a *pro se* complaint pursuant to 42 U.S.C. § 1983. (Doc. 1). She did not pay the filing fee for this action or file an application to proceed *in forma pauperis*.

Because Murphy is a well-established three-striker,¹ she can only proceed *in forma pauperis* if she is currently in imminent danger of serious physical injury. *See* 28 U.S.C. § 1915(g); *Ashley v. Dilworth*, 147 F.3d 715, 717 (8th Cir. 1998). In her complaint, Murphy alleges that, on December 24, 2019, Lieutenant Stinet and Sergeant M. Johnson denied her request to call her attorney, then denied her request for a grievance form. She seeks \$20 million in damages. These allegations clearly fail to satisfy the imminent-danger exception to the three-strikes rule. *See Martin v. Shelton*, 319 F.3d 1048, 1050 (8th Cir. 2003) (to satisfy the exception, prisoner must offer “specific fact allegations of ongoing serious physical injury, or of a pattern of misconduct evidencing the likelihood of imminent serious physical injury”).

¹ *See, e.g., Murphy v. Faust*, No. 1:14-cv-00127-JM (E.D. Ark. Nov. 18, 2014) (dismissing for failure to state a claim); *Murphy v. Culclager*, No. 1:15-cv-00027-BSM (E.D. Ark. June 5, 2015) (same); *Murphy v. Kelly*, No. 1:15-cv-00044-JM (E.D. Ark. Apr. 27, 2015) (same); *Murphy v. Robinson*, No. 1:15-cv-00047-JM (E.D. Ark. June 24, 2015) (dismissing as frivolous); *Murphy v. Fisk*, No. 1:15-cv-00050-BSM (E.D. Ark. July 24, 2015) (dismissing for failure to state a claim).

Accordingly, any application to proceed *in forma pauperis* would be futile. Murphy's complaint (Doc. 1) is dismissed without prejudice. If Murphy wishes to reopen this case, she must pay the \$400 filing fee in full and file a motion to reopen within thirty (30) days of the date of this Order.

It is certified, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal would not be taken in good faith.

IT IS SO ORDERED this 10th day of January 2020.

Lee P. Rudofsky
UNITED STATES DISTRICT JUDGE